

Assembly Bill No. 1326

Passed the Assembly September 10, 2009

Chief Clerk of the Assembly

Passed the Senate September 8, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 2142 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1326, Huffman. Voter registration: action to compel registration.

Under existing law, if a county elections official refuses to register a qualified elector or if a county elections official has not registered a qualified elector who claims to have registered to vote through the Department of Motor Vehicles or another agency pursuant to the National Voter Registration Act of 1993, the elector may file an action in the superior court to compel his or her registration. Existing law prohibits the clerk of the superior court from charging a fee for services related to the action.

This bill would additionally authorize a qualified elector, or the county elections official on the elector's behalf, who claims to have completed an affidavit of registration and deposited that affidavit with a 3rd party with the intent that the 3rd party timely deliver the completed affidavit to the county elections official to bring an action in the superior court to compel registration.

The people of the State of California do enact as follows:

SECTION 1. Section 2142 of the Elections Code is amended to read:

2142. (a) If the county elections official refuses to register a qualified elector in the county, the elector may proceed by action in the superior court to compel his or her registration. In an action under this section, as many persons may join as plaintiffs as have causes of action.

(b) If the county elections official has not registered a qualified elector who claims to have registered to vote through the Department of Motor Vehicles or any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg), the elector may proceed by action in the superior court to compel his or her

registration. In an action under this section, as many persons may join as plaintiffs as have causes of action.

(c) If the county elections official has not registered a qualified elector who claims to have completed an affidavit of registration and deposited that affidavit of registration with a third party with the intent that the third party timely deliver the completed affidavit of registration to the county elections official, the qualified elector, or the county elections official on behalf of the qualified elector, if requested in writing by the elector, may proceed by action in the superior court against the county elections official to compel his or her registration. In an action under this subdivision, as many persons may join as plaintiffs as have causes of action.

(d) A fee shall not be charged by the clerk of the court for services rendered in an action under this section.

Approved _____, 2009

Governor